

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TRAMELL E. STARKS,

Petitioner,

-vs-

Case No. 14-C-1564

**MICHAEL DITTMANN,
Warden, Columbia Correctional Institution,**

Respondent.

DECISION AND ORDER

Tramell Starks petitions this Court for relief under 28 U.S.C. § 2254 and also moves for a stay pending the resolution of unexhausted claims. The Court will deny the motion to stay because it appears that Starks' petition is untimely. According to his petition, Starks was convicted in 2007. He pursued post-conviction relief in various forums, but those motions were not pending long enough to toll the one-year limitations period. § 2244(d)(2). In particular, there is a lengthy gap between the denial of Starks' first motion on February 1, 2010 and the filing of his second motion on November 20, 2014 (the motion containing unexhausted claims).

Therefore, Starks' motion to stay [ECF No. 4] is **DENIED**. Starks is ordered to show cause as to why this petition should not be dismissed as

untimely within **sixty (60) days** of the date of this Order.

Dated at Milwaukee, Wisconsin, this 12th day of March, 2015.

SO ORDERED:

A handwritten signature in black ink, appearing to read "Rudolph T. Randa", is written over a horizontal line.

HON. RUDOLPH T. RANDA
U.S. District Judge